

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

ANTHONY JOHNSON,

Petitioner.

v.

CIVIL ACTION NO. 5:19-cv-00609

MICHAEL FRANCIS,

Respondent.

ORDER

Pending is Plaintiff's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, filed August 21, 2019. [Doc. 1]. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Petitioner paid the filing fee, and Magistrate Judge Aboulhosn denied the Application to Proceed in Forma Pauperis as moot. [Doc. 10]. Petitioner submitted a Supplemental Petition on October 30, 2019. [Doc. 13]. Magistrate Judge Aboulhosn filed his PF&R on March 11, 2022. [Doc. 14]. Magistrate Judge Aboulhosn recommended the Court dismiss the Petition for Writ of Habeas Corpus and Supplemental Petition, and remove the matter from the Court's docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*") (emphasis added). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's


right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections were due on March 28, 2022. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 14**], **DISMISSES** the Petition and Supplemental Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [**Docs. 1, 13**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: April 6, 2022




Frank W. Volk
United States District Judge